IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4255 of 1996

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VALKUBHAI O KHUMAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4255 of 1996

MR YM THAKKAR for Petitioner No. 1

Mr. H.M. Prachhak, AGP for Respondent No. 1

MS RV ACHARYA for Respondent No. 2

NOTICE SERVED BY DS for Respondent No. 2,3

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 29/12/2004

ORAL JUDGEMENT

1. By this writ petition under Article 226 of the

Constitution of India, the petitioner has challenged the order of transfer dated 15th June 1996 passed by the respondent No.1, Deputy District Development Officer, Bhavnagar.

2. The challenge to the order of transfer is mainly on the ground that, without there being any specific request by the Competent Authority to transfer Talati-cum-Mantri on administrative reasons, the State Government does not pass an order of transfer. It is submitted that, as per the policy of the respondents, normally, the employees are not transferred out of District or Taluka if the vacancies are available in the same Taluka, and the petitioner is transferred contrary to the said policy. It is, further, submitted that even the President of the District Panchayat was not consulted and, therefore, the decision of the respondent No.1 to transfer the petitioner is arbitrary, unreasonable and in violation of Article 14 of the Constitution of India.

3. By order dated 19th July 1996, this Court, while issuing Rule, passed the following interim order:
"By way of interim direction the petitioner is directed to make a representation to the respondent No.2 herein for accommodation of transfer to a suitable place in the Taluka Savarkundla. Such a representation be made within a period of 10 days from today. It is further directed that the respondent No.2 shall consider the said representation within a period of three weeks from the date of the receipt of the representation and communicate its decision to the petitioner. The petitioner shall not be compelled to report at Bhadla till the communication of the decision of the respondent No.2 on the representation that may be made by the petitioner herein."

4. Today, when the matter is called out for final hearing, the learned advocate for the petitioner has submitted that he has no information whether the representation made by the petitioner is decided or not by the respondent No.2. At the same time, the learned Assistant Government Pleader, Mr. H.M. Prachchhak, is also not in a position to place the correct information qua the interim order dated 19th July 1996 passed by this Court.

5. In the facts and circumstances of the case and more particularly, in view of the order dated 19th July 1996 passed by this court, the respondent No.2 is directed to comply with the aforesaid order, if not complied with till today, and to communicate the said

decision to the petitioner within one month from the date of receipt of writ of this order.

6. With the aforesaid direction, Rule is discharged with no order as to costs.

(Anant S. Dave, J.)
(swamy)